

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

SONNIE WELLINGTON HEREFORD, IV, <i>et</i>)	
<i>al.</i> ,)	
)	
PLAINTIFFS,)	NO.: 5:63-cv-00109-MHH
)	
and)	
)	
UNITED STATES OF AMERICA,)	
)	
PLAINTIFF-INTERVENOR,)	
)	
v.)	
)	
HUNTSVILLE BOARD OF EDUCATION, <i>et</i>)	
<i>al.</i> ,)	
)	
DEFENDANTS.)	

ORDER

This Order revises and amends the provisions of Section IX of the Consent Order (Doc. 450). The following provisions replace in their entirety the original provisions of Section IX, all subsequent Amendments to Section IX (Docs. 509, 727), and related text orders (Docs. 646, 728). The following provisions will take effect immediately upon entry of this Order.

IX. Desegregation Advisory Committee

A. The Parties will select a Desegregation Advisory Committee (“DAC”) to inform the Superintendent and the Court about the DAC’s assessment of the District’s implementation of the terms of the Consent Order. The DAC’s primary purpose is to gather feedback from the community about the District’s implementation of the Consent Order to provide input and make recommendations to the Board and the Court.

B. The DAC will be composed of 16 members, including ten parent members and one student from each of the District's high schools.

C. For selection of members for the inaugural DAC, the Parties will select six of the parent/guardian DAC members for one-year terms and four of the parent/guardian DAC members for two-year terms. Thereafter, the parent/guardian DAC members will be selected for two-year terms. No parent/guardian DAC member may be selected for the DAC more than two times.

D. For the inaugural DAC, the Parties will select members within three months of the entry of this Consent Order. The inaugural DAC members will serve until July 31 of the following year.

E. Student DAC members will be enrolled in the 11th or 12th grade during their term of service. To identify potential high school candidates, the District will solicit applications from rising 11th and 12th grade students and will provide copies of those applications to the United States prior to the nomination deadline. A student's application should demonstrate the student's leadership qualities. The term of service for a DAC student member is one year. A student DAC member may serve up to two terms. To seek a second term, a DAC student member must reapply during the normal application period for student DAC applications. A DAC student member's past experience as a DAC member will be considered in the application review process; however, a DAC student member is not guaranteed selection based solely on having previously served on the DAC.

F. Selection of DAC Members

1. Beginning with the DAC selection process during the 2021-22 school year, for new members who will join the DAC in the 2022-23 school year and every year

thereafter, the Parties will solicit applications from interested parents and students by March 15 of each year. The application will contain questions regarding possible financial or professional conflicts with the District. The District will ensure that the United States receives all DAC applications the District receives. The Parties will independently review and rank the applicants. The Parties will then meet and confer to jointly rank the applicants and provide a brief statement of why the Parties believe certain applicants should be selected. In rank ordering the applicants, the Parties will take into account the demographics of the District, the relevant qualifications, the rationale for selections, and potential conflicts of interest. The Parties will prioritize selecting applicants who are diverse in terms of race, feeder pattern, school level, and participation in magnet or M-to-M programs, where possible based on the applications received. If the Parties do not agree on the rankings of the applicants, then the Parties will note their differences on the ranking list. The ranking list will include more applicants than vacancies.

2. By April 7 of each year, the Parties will submit the DAC applicant ranking list to the Court under seal. The Court will review the ranking list, including the nature of any potential conflict, and make the final selection of DAC members. The Court will issue an order of appointment, which will be filed in the record and will include the Court's final selection of DAC members. Any name on the ranking list not selected by the Court will be added to a reserve list that the Court may use to appoint a replacement for any DAC member who cannot complete his or her term. To provide outgoing DAC members time to meet with newly appointed DAC members, and subject to the timing of the Court's appointment of the new DAC members, the Parties will endeavor to notify new DAC members of their appointment by May 1 of each year.

G. No later than August 1, 2015, after the inaugural DAC members have been selected, the inaugural DAC will hold an initial non-public meeting to elect a chair and to decide operating procedures consistent with this Consent Order. In each year following, no later than August 1, the DAC will hold an initial non-public meeting to elect a chair and review operating procedures. The Parties will ensure that the DAC receives appropriate training and technical assistance to carry out their role and responsibilities.

H. For as long as each provision in the Consent Order remains in effect, the DAC will review data concerning implementation of the provisions of the Consent Order in effect and communications provided to the DAC through the channels identified in Section IX.P and provide to the Superintendent and the Parties a summary of the information the DAC receives and reviews.

I. The DAC may request data and other information from the District that is reasonably related to the review described in Section IX.H. The DAC's information requests will reference the Consent Order provision or *Green* factor about which the DAC is seeking information. To ensure the DAC has sufficient information to enable it to fulfill its responsibilities, the District will respond in a timely manner to any requests made by the DAC. The District will share appropriate information and documents requested by the DAC, provided that adequate safeguards are taken so as not to disclose confidential or personally identifiable information protected by FERPA or other applicable privacy laws. The District will investigate complaints from the DAC related to individual students or employees, and will provide information about the resolution of those complaints to the DAC, but will not provide specific information that would violate the aforementioned privacy laws.

J. If the DAC believes that its request for information has been unreasonably denied by the District, the DAC will inform both Parties. Within a reasonable time after receiving this information, the Parties will confer in an attempt to resolve the issue.

K. Public Meetings

1. A quorum of the DAC will meet, at a minimum, twice annually in meetings that will be open to the public. The first of these system-wide, public meetings will occur no later than the end of October. The two system-wide public meetings will be held at a District facility. At these public meetings, attendees will be allowed to raise questions and concerns about the District's implementation of the Consent Order and provide feedback on reports issued by the DAC. Nothing in this Order limits the number of meetings or events the DAC may hold. The DAC may hold additional public meetings at its discretion, including DAC feeder pattern meetings, and, where appropriate, may request that the DAC participate formally at other District or school-level meetings, like open houses, PTA meetings, or athletic events (e.g., hosting a DAC booth at an athletic event, making a formal DAC presentation at the event). The DAC will coordinate with the relevant groups or personnel to seek participation in those meetings or events in a formal capacity, including providing advance notice and seeking permission from the group regarding the nature of the DAC's participation.

2. At least two weeks before each public meeting, the District will disseminate broadly notices concerning the meeting through multiple sources, including robocalls, e-mail, social media (District and individual school pages), and the District's website. The District also will send hard copy fliers home with elementary school students and post notices at the front entrance/office of every school serving secondary students. The District will provide copies of the notice of public meetings to the media, including radio stations,

newspapers, and television stations. Additionally, if the District is currently working with a public relations firm, the District will ask the firm for guidance about how to secure broad notice of the meetings.

L. Meetings with the Superintendent and Board of Education

1. The DAC will meet privately with the Superintendent at the end of each semester. During these meetings with the Superintendent, the DAC will discuss community feedback it has received and share impressions of community priorities and concerns regarding implementation of the Consent Order. During the meeting with the Superintendent at the end of each spring semester, the Superintendent will give the DAC an update on the District's implementation of the Consent Order, including steps the District has taken to address community feedback provided by the DAC.

2. By the end of September, the Board of Education will formally recognize and introduce the members of the DAC at a public Board of Education meeting. During the spring semester, a DAC member, either the chair or another individual selected by the DAC, will brief the Board of Education on the DAC's actions, the feedback the DAC received during the school year, and the DAC's assessment of that feedback and other information received during the year regarding the District's implementation of the Consent Order.

M. The DAC may hold additional private working meetings, as needed. The District will provide a District facility for the DAC to hold its working meetings.

N. The DAC will maintain minutes of its meetings and such minutes, together with the agenda of the DAC meetings, are public information.

O. By June 1 of each year, the DAC will provide an annual report to the Superintendent. The annual report may include minority or dissenting opinions from members

of the DAC on issues discussed in the report. The report may take the form of a verbal report or presentation that is recorded, a written report, or a status conference with the Court that is on the record. No later than the Board's first meeting in July, the Superintendent will present the DAC's report and the Superintendent's commentary as to that report to the Board during a meeting of the Board. Thereafter, the District will promptly file the report and commentary with the Court. The DAC may post its report on its website and the District will file or provide a copy of the report to the Court.

P. Enhancing Communications With The Huntsville Community

1. The DAC will, with the assistance of the Parties, create and maintain its own website. This website will have a unique URL and will be accessible through a link on the District's homepage. The DAC, working through a subcommittee, will be responsible for: establishing an independent web presence; developing the content to be posted on the website; and providing information about the DAC, the Consent Order, and the District's implementation efforts on the website to the extent reasonably possible. The website also will contain the DAC mission statement described in IX.P.2 below. The District will assist the DAC in establishing and maintaining the website, but the DAC will make all decisions, subject to this Order and the Court's oversight, about the content of the website. In lieu of or in addition to a traditional website, the DAC may elect to use social media, like Facebook.

2. The DAC will develop a written mission statement consistent with Section IX of the Consent Order. The mission statement will describe the purpose, responsibilities, and limitations of the DAC. The DAC will submit its mission statement to the Court for approval. Following approval, the DAC will post its mission statement on its website.

3. In addition to the opportunities described in IX.P, as amended, the DAC will create multiple methods of receiving feedback from stakeholders, including a dedicated DAC e-mail address, a physical mailing address, and a locked drop box at each school. The District will work with the DAC to ensure that only the DAC has access to and operates these methods of receiving feedback. The District will not have direct access to the feedback. The DAC will communicate feedback to the District and to stakeholders as appropriate. As part of its operating procedures, the DAC will establish a process and timetable for responding to these comments.

4. The DAC may request meetings with the District and/or the United States to discuss community feedback it has received and seek guidance on how to proceed.

5. The DAC also may seek joint guidance from the Parties on questions it has about its mission or operations.

Q. Operating Procedures

The following must be a part of the operating procedures defined in IX.G.

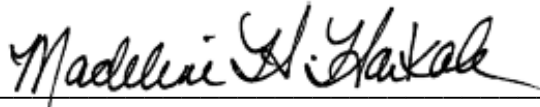
1. The DAC's operating procedures will require that members of the DAC recognize and respect the need for confidentiality with respect to the DAC's private meetings. The DAC's public communication about its private conversations will consist of its published minutes and discussions in meetings established under the terms of the Consent Order. The DAC may allow non-DAC members to participate in its private meetings to provide support or information that the DAC deems necessary; however, the non-DAC member's presence will be limited to the time needed to perform the requested task, and non-DAC members who attend DAC meetings will be subject to the confidentiality requirements that govern DAC members.

2. The DAC's operating procedures will include a procedure by which a member can be replaced if that member is unable to meet the time commitments of DAC

membership, the member's conduct conflicts with the DAC's purpose and mission, or if other reasons make ongoing participation on the DAC difficult. When a DAC member needs to be replaced, the DAC will notify the Court or the Parties. The Court will select a replacement using the applicant ranking list provided by the Parties. The DAC's operating procedures will include the creation of subcommittees. The subcommittees will be designed to help the DAC contemporaneously monitor all aspects of the Consent Order.

3. The DAC's minutes will be thorough and informative, so that the public can be aware of the DAC's work. The minutes will contain, at a minimum, the following: a description of the topics discussed at the meeting; a list of names of the individuals who attended the meeting; and the conclusions, if any, that the DAC reached.

DONE and **ORDERED** this May 3, 2024.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE